

REMARKS

Claims 1-37 are pending in the application. Claims 1, 2, 5-9, and 12-14 have been amended, claim 36 has been canceled, and claims 38-46 have been added, leaving claims 1-35 and 37-46 for consideration upon entry of the present Amendment. As will be discussed in detail below, it is believed that the application is in condition for allowance.

Claims 1-3, 5-9, 11-12, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fischer (US 4,143,297). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-3 and 5-8 include the following limitation: "said organic electroluminescent element comprises a first electrode, a second electrode, and an organic electroluminescent layer formed between said first and second electrodes, said organic electroluminescent layer emitting light when electric current flows between said first and second electrodes." Fischer does not disclose, either expressly or inherently that limitation. Instead, Fischer discloses an inorganic electroluminescence device. Accordingly, Applicants respectfully request that the rejection be withdrawn as to claims 1-3 and 5-8.

Claims 9 and 11 include the following limitation: "said resin having said desiccant mixed therein is located in a gap between said pair of substrates and covers at least said display region." Fischer does not disclose covering the display region with a resin having desiccant mixed therein. Accordingly, Applicants respectfully request that the rejection be withdrawn as to claims 9 and 11.

Claim 12 includes the following limitation: "said desiccant is a substance having a chemically adsorptive property." Fischer makes no reference to a chemically adsorptive property. At most, Fischer recites "some desiccant powder" at column 16, line 19. Accordingly, Applicants respectfully request that the rejection be withdrawn as to claim 12.

Claims 4, 10, 13-35, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of Ebisawa et al. (US 6,284,342) ("Ebisawa"). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or

combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

First, there is no motivation to combine Fischer with Ebisawa. As explained above, Fischer teaches only about inorganic electroluminescence ("EI.") display devices. Ebisawa only teaches about organic EL display devices. An inorganic EL device operates according to completely different principles than an organic EL device. When an inorganic EL layer is used as the emissive layer, resin, which is a dielectric substance, cannot be disposed over and under an organic EL emissive layer because such application would hinder light emission by the emissive layer. Accordingly, the problems associated with an organic EL device are not the same as an inorganic EL device and one skilled in the art would not look to a disclosure regarding an organic EL device to solve the problems of an inorganic EL device or vice versa.

As such, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skoll*, 187 U.S.P.Q. 481 (C.C.P.A. 1975). As explained in Ebisawa, the disclosure is directed towards an organic EL display assembly that is easy to fabricate, substantially eliminates the influence of moisture and other deleterious elements, and deteriorates little with time. See column 15, lines 4-7. Those benefits are irrelevant to the inorganic EL device and thus, one skilled in the art would not combine Ebisawa with Fischer.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Moreover, for these additional reasons, the rejection should be withdrawn as to claims 13-35. The combination of Fischer and Ebisawa do not teach or suggest all of the limitations of claim 13. Claim 13 defines a value of desiccant powder diameter when the desiccant is mixed in the resin. Fischer does not teach or suggest this limitation. In addition, Ebisawa only defines the upper and lower limit values of particle diameter for a desiccant used by itself. It does not necessarily flow that a desiccant used by itself and a desiccant mixed with a

resin would utilize similar particle size. Accordingly, Fischer and Ebisawa do not teach or suggest all of the limitations of claim 13.

The combination of Fischer and Ebisawa do not teach or suggest all of the limitations of claim 14. The Examiner agrees that neither Fischer nor Ebisawa teach or suggest the limitations of claim 14, but asserts that by using the teachings of Fischer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the most appropriate range. Applicants respectfully traverse.

The Examiner's rejection is improper in that it amounts to an "obvious to try" rejection. A finding of "obvious to try" does not provide the proper showing for an obviousness determination. The requirement for a determination of obviousness is that "both the suggestion *and the expectation of success* must be founded in the prior art, not in applicant's disclosure." *In re Dow Chem.*, 837 F.2d 469, 473, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) (emphasis added). An Examiner, then, cannot base a determination of obviousness on what the skilled person in the art might try or find obvious to try. Rather, the proper test requires determining what the prior art would have led the skilled person to do.

In this case, there is no teaching in Fischer that would lead a person skilled in the art to "try" to find the most appropriate range. In fact, the only teaching in Fischer regarding the desiccant powder is located at column 16, line 10 in which Fischer states to add "some desiccant powder (not shown)." Thus, there is no teaching in Fischer that would lead one skilled in the art to "try" various ranges. Fischer does not teach the advantages of adding more or less desiccant powder and thus, does not teach a person to "try" various ranges. Accordingly, the Examiner's rejection is improper.

The combination of Fischer and Ebisawa do not teach or suggest all of the limitations of claims 15-26. Claims 15-26 includes the following limitation: "a groove is formed in at least one of said pair of substrates on a side facing the other substrate in a location where said sealing material is disposed." Thus, claims 15-26 require the location of the groove to be disposed where the sealing material is disposed. The benefit of locating the groove at this location is so moisture can be eliminated at the penetrating path, thereby preventing moisture from entering the device. Ebisawa does not teach or suggest this location. Instead, Ebisawa teaches that the desiccant is located in a space defined between the sealing plate 3 and the substrate 1. The desiccant is located in the space and retained by a sheet 5 so that the desiccant does not contact the organic EI. structure 4. See column 4, lines 4-14.

The combination of Fischer and Ebisawa do not teach or suggest all of the limitations of claims 27-35. Claims 27-35 include the following limitation: "said self-emissive element

is covered with a coating resin layer composed of a resin cured by ultraviolet irradiation; and a second substrate which transmits ultraviolet rays is arranged over said coating resin layer so as to face the first substrate." While a self-emissive element disposed on the first substrate is coated by resin in Figure 12 of Fischer, it is nowhere taught or suggested that the resin is cured by ultraviolet irradiation or that the second substrate is arranged over the resin. In Ebisawa, although an epoxy resin adhesive cured by ultraviolet irradiation is employed as the sealing material between the first and second substrates, no reference is made to covering the self-emissive element with resin. Accordingly, Fischer and Ebisawa do not teach or suggest all of the claimed limitations of claims 27-35.

In addition, claims 38-46 have been added. Those claims include the following limitation: "a resin having a desiccant mixed therein is disposed between said pair of substrates such that said resin surrounds said self-emissive element comprising said first electrode, said emissive layer, and said second electrode." None of the references teach or suggest this limitation.

In Figure 14 of Fischer, one of the electrodes is not sealed by being surrounded by the sealant (epoxy resin 159 including added powder desiccant). As such, moisture would enter the device through the contact portion between the layer directly beneath one of the electrodes and the sealing material. The structure of claims 38-46 provides that the entire self-emissive element comprising the first and second electrodes and the emissive element layer is surrounded by the sealing material. Thus, even if moisture enters the device, the moisture would not directly penetrate inside the self-emissive element. Accordingly, claims 38-46 are allowable.

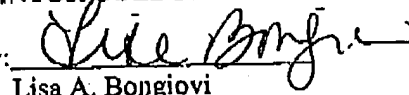
In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By:



Lisa A. Bongiovi

Registration No. 48,933

CANTOR COLBURN LLP

55 Griffin Road South

Bloomfield, CT 06002

Telephone (860) 286-2929

Facsimile (860) 286-0115

Customer No. 23413

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